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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**
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9 JOSE DE LA GARZA; GLORIA DE LA
10 GARZA,

11 Plaintiffs,

12 vs.

13 WASHINGTON MUTUAL MORTGAGE,
14 INC.,

15 Defendant.

CASE NO. 09cv0390 JM(WMC)


ORDER VACATING ORDER TO
SHOW CAUSE HEARING DATE;
GRANTING LEAVE TO AMEND

16 On or about April 6, 2009 the court struck the Second Amended Complaint and issued
17 an Order to Show Cause why the case should not be dismissed ("OSC"). (Docket No. 10). Plaintiffs
18 have responded to the OSC, representing that the First Amended Complaint ("FAC") was
19 inadvertently filed and that the Second Amended Complaint ("SAC") simply sought to rectify the
20 inadvertent filing of the FAC. With respect to the filing of the SAC in violation of the stay, Plaintiffs
21 counsel represents that it filed the SAC prior to learning of the entry of the stay order.

22 For good cause shown, the court vacates the OSC hearing date and, as there is no longer an
23 operative complaint on file, instructs Plaintiffs to file a Third Amended Complaint within ten days of
24 entry of this order.

25 **IT IS SO ORDERED.**

26 DATED: April 21, 2009

27 
Hon. Jeffrey T. Miller
United States District Judge

28 cc: All parties